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| IBM AUSTIN (ANTHONY ENGLAND) | EXAMINER | | | |
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ELIZABETH ADLEBERG BRODSKY, ELMOOTAZBELLAH
NABIL ELNOZAHY, and RAMAKRISHNAN RAJAMONY

Appeal 2010-004794
Application 09/736,349
Technology Center 2400

Before MAHSHID D. SAADAT, KRISTEN L. DROESCH,
and LARRY J. HUME, *Administrative Patent Judges*.

PER CURIAM.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the non-final rejection of claims 1-3, 5, 6, 9-11, 13, 14, 17-19, 21, and 22. Claims 8, 16, and 24 have been canceled, claims 7, 15, and 23 have been indicated as allowable, and claims 4, 12, and 20 have been objected to for being dependent upon a rejected base claim but otherwise allowable. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Introduction

Appellants' invention relates to transforming web pages that are dynamically generated responsive to queries into static web pages in order to avoid subsequent dynamic content generation (*see* Spec. 4:2-13).

Exemplary Claim

Exemplary independent claim 1 under appeal reads as follows:

1. A method for crawling a web site, the method comprising the steps of:
 - a) querying a web site server by a crawler program, wherein at least one page of the web site has a reference, wherein the reference is specified by a script to produce an address for a next page;
 - b) parsing such a reference from one of the web pages by the crawler program and sending the reference to an applet running in a browser; and
 - c) determining the address for the next page by the browser executing the reference and sending the address to the crawler.

Rejections on Appeal

The Examiner rejected claims 1, 9, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Najork (US 6,301,614 B1) and Kredo (US 6,449,636 B1), and further added Albert (US 6,735,169 B1) to reject claims 2, 10, and 18.¹

Appellants' Contentions

1. With respect to independent claims 1, 9, and 17, Appellants contend that the cited portions in Najork fail to disclose the claimed “parsing a reference (such as a reference having that a script for producing an address for a next page) and sending the reference to an applet running in a browser, as claimed” (App. Br. 28) (emphasis in original). Appellants further argue that the web crawler in Najork includes threads for executing web crawler procedure, determining the URL of the next document found in hypertext links, and downloading or processing the document (App. Br. 28-29). With respect to situations wherein URL’s are not found in hypertext links, Appellants assert that the crawler disclosed in Najork may not be suitable (App. Br. 29-30). Appellants explain how a hypertext link in an HTML document in Najork includes a URL that may be parsed, but differs from an example from Appellants’ disclosure where the URL cannot be parsed from a script (App. Br. 30), or the reference is executed when the crawler “achieves this by telling the browser (via the applet) to push the button” (App. Br. 31) (emphasis in original). However, Appellants merely mention Kredo in passing by making the conclusory statement that neither Najork,

¹ Separate patentability was not argued for the remaining claims rejected under § 103 on various combinations including Najork and Kredo (see App. Br. 27-33).

nor Najork in combination with Kredo or the other cited references, teach or suggest the disputed claim feature (App. Br. 32).

2. Regarding dependent claims 2, 10, and 18, Appellants contend that the relied-on portions of Albert do not teach or suggest the claimed arrangement “in which the client browser is configured to use a certain proxy and refer to a resolver file for hostname-to-IP-address-resolution, where the proxy and the web site server queried by the crawler program have *different* IP addresses but the resolver file indicates they are the *same*” (App. Br. 33) (emphasis in original).

ANALYSIS

The Examiner responds to Appellants’ contentions by citing to portions of Najork in columns 4-6 that describe processing and identifying the URL’s in hypertext links in the document and providing the URL list to the crawler for scheduling the downloads (Ans. 11-12). The Examiner further identifies in column 5 of Kredo the spider 125 which processes the source document 20 for creating scripts 140 and 141 to identify the URL and storing each script with its URL to be used by the browser (Ans. 12).

We agree with the Examiner and adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner’s Answer in response to Appellants’ Appeal Brief (*see* Ans. 11-13).

For emphasis, we note that the Examiner has identified the relevant portions of Najork and Kredo and has properly equated the features disclosed in the reference with the disputed features recited in claims 1, 9, and 17. Specifically, the Examiner has shown that Kredo discloses parsing

the script in a reference for producing an address for a next reference, storing the addresses, and providing them to the browser (*see* Figs. 5 and 7; col. 3, ll. 8-26; col. 5, ll. 27-45). Therefore, contrary to Appellants' argument that Najork fails to teach or suggest the disputed claim feature (App. Br. 27-32), Kredo's parsed script for identifying the URL for the next reference meets the disputed claim features. As the proposed rejection is based on the combination of Najork and Kredo, Appellants' challenge to the references individually is not persuasive of error in the Examiner's position. *See In re Keller*, 642 F.2d 413, 426 (CCPA 1981) ("one cannot show nonobviousness by attacking references individually where, as here, the rejections are based on combinations of references" (citations omitted)). We further note that Appellants provide no substantive argument or analysis in rebuttal to the Examiner's citation to Kredo, other than the comment made in passing, identified above.

With respect to the rejection of claims 2, 10, and 18, we also find the Examiner has further provided sufficient explanation with corresponding citations to various portions of Albert. Therefore, we agree with the Examiner's conclusion (Ans. 12-13) that combining the teachings of Albert with Najork and Kredo would have provided the disputed features by disclosing a forwarding agent that analyzes and forwards the SYN packet address to a service manager to be used by the client (*see* Albert, col. 11, l. 33 – col. 12, l. 13).

CONCLUSIONS

On the record before us, we conclude that, because the references teach or suggest all the claim limitations, the Examiner did not err in

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rejecting claims 1, 9, and 17 as obvious over Najork and Kredo, and claims 2, 10, and 18 as obvious over Najork, Kredo, and Albert.

DECISION

The Examiner's decision rejecting claims 1-3, 5, 6, 9-11, 13, 14, 17-19, 21, and 22 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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